

**Driggs, Lucas, Brubaker & Hogg Co., L.P.A**

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Date: November 30, 2005

11-30-05

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**FOURTH REQUEST**

**TO: Patent Office Refund Department** **FAX NUMBER: (703) 305-8568**

**FROM: Alicia Y. Sterba** **TEL. #: (440) 391-5100**

**FAX #: (440) 391-5101**

**Re: Application Serial No. 10/696,340 - Now Patent No. PP 15,295**  
**Our Docket No. ACN-30-5804**

**NUMBER OF PAGES TO FOLLOW: 3**

In accordance with a discussion with the Refund Department, I am enclosing a copy of the original refund request sent to the Patent Office on August 19, 2004, a copy of the second refund request faxed to the Refund Department on February 22, 2005, and a copy of the third request faxed to the Refund Department on June 22, 2005. The first request for credit of the publication fee in the amount of \$300.00 was mailed with the issue fee transmittal but apparently was never forwarded to the Refund Department. The second request which was faxed to the Refund Department was apparently lost during their office relocation. The third request was also faxed to the Refund Department but still no action has been taken by the Refund Department.

Accordingly, I would appreciate your immediate attention to this request which was originally submitted nearly a year and a half ago and that a credit in the amount of \$300.00 be issued to our Account No. 500645 to cover the publication fee, which publication never took place.

Thank you for your attention.

Alicia Y. Sterba  
Legal Assistant to James A. Lucas

NO. 500645 Date: 02/15/2006 TIME: 18:11  
11-30-05 FAXED TO: PATENT OFFICE  
11-30-05 FAXED TO: REFUND DEPT

*Driggs, Lucas, Brubaker & Grogg Co., L.P.C.*

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August 19, 2004

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Patrick J. Daugherty\*

Mail Stop ISSUE FEE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Re: U. S. Plant Patent Application of M. Everett Weiser  
entitled PEACH TREE NAMED WEISER, Serial No.  
10/696,340, filed October 29, 2003, Conf. No. 8881  
Docket No. ACN-30-5804

Dear Sir:

The undersigned has received a Notice of Allowance dated July 14, 2004 in connection with the above entitled patent application. The due date for payment of the issue fee is October 14, 2004. Although the projected publication date set by the Patent Office in the filing receipt is May 5, 2005, more than seven months away, a charge for such publication appears on the allowance and fee transmittal forms and was paid by the applicant when submitting the fee transmittal to the Patent Office on August 19, 2004. (a copy of the transmittal is attached).

We were advised by the Issue Branch that the publication fee was required to be paid along with the issue fee to insure issuance of the patent, and that a letter explaining the excess charge should be submitted, and the Patent Office would then credit Deposit Account 500645 in the amount of three hundred dollars (\$300.00).

Accordingly, it is hereby requested that such credit be issued.

Respectfully submitted,

*James A. Lucas*  
James A. Lucas, Reg. No. 21,081  
Attorney for Applicants  
Customer No. 23266

JAL:cg

Enclosure

\*Reg. Patent Attorney

DATE \_\_\_\_\_